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ATTORNEY DOCKET NO. 28341/10101
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Arthur G. Romero

Serial No.: 09/313,534

Filed: May 13, 1999

For: Heterocyclic Amines Having Central
Nervous System Activity

Group Art Unit: 1625

Examiner: P. Morris

CERTIFICATE OF MAILING
(37 CFR 1.8)

I hereby certify that this paper is
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Commissioner for Patents,
Washington, D.C. 20231 on April 5, 2002.

Mark H. Hopkins
Mark H. Hopkins, Ph.D.

NOTICE OF APPEAL

Commissioner for Patents
Washington, D.C.

SIR:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated October 5, 2001 to reject all claims of the present reissue application. In the final action, the application was rejected under 35 USC §251, the Examiner having alleged that the applicants have failed to allege an error that is correctable through reissue. Although the applicants have alleged that through error without deceptive intent, they failed to claim the full scope of their invention, and have presented broadening claims 9-12, the Examiner has challenged the sufficiency of the reissue application as explained above. Moreover, the Examiner has also restricted claims 9-12 from original claims 1-8 in a five-way restriction requirement. In the most recent advisory action, the Examiner presently suggests that this application should be classified as a "no defect" reissue because claims 1-8 have no error and claims 9-12 have been restricted and withdrawn from consideration.

Together with this Notice of appeal, the Applicants have filed a petition requesting reconsideration of the final restriction requirement. If the petition is successful, then one or more of claims 9-12 will be re-introduced into the application for examination on the merits. At that time, either the Patent Office will withdraw its rejection and examine the new claims on the merits, or will maintain its rejection under 35 USC §251, which is the subject of this appeal.

Enclosed is a check in the amount of \$320.00, the requisite fee under 37 CFR 1.17(b)

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